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| 10/043,414      | 01/10/2002  | Michael A. Schultz   | TWI-105             | 9044             |

7590 04/18/2003

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| EXAMINER |
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ROBERTSON, JEFFREY

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1712

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

116

**Office Action Summary**

Application No.

10/043,414

Applicant(s)

SCHULTZ ET AL.

Examiner

Jeffrey B. Robertson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7 and 10-33 is/are rejected.
- 7) ☒ Claim(s) 3,4,8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.                      6) ☐ Other:

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5-7, 10-13, 15, and 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa et al. (United States Patent Application Publication No. US 2002/0098763).

For claims 1 and 6, on page 2, paragraph [0008], Yoshikawa teaches a polishing sheet for the coated surfaces of automobiles. On page 3, paragraph [0035], Yoshikawa teaches that sheet substrate is impregnated with a liquid polishing cleaner. For claim 2, on page 2, paragraphs [0014] and [0018], Yoshikawa teaches that the fiber used in the base material can be made by melt-blowing and that polypropylene fiber is used. On page 4, in paragraph [0044], Yoshikawa teaches a combination of silicone compounds including an amino-modified silicone, a dimethyl silicone (silicone oil), and a modified silicone having a polyether-containing group. In paragraph [0055] on page 5, Yoshikawa teaches that wax components are added to the polishing cleaner. For claims 1, 6, and 15, on page 3, paragraph [0046], Yoshikawa teaches the presence of emulsifiers to formulate the oil in water emulsion, including non-ionic and cationic emulsifiers where the cationic emulsifier can be a quaternary ammonium salt. It is noted that the amino-modified silicone and the cationic emulsifier would also function as antistatic agents, where the amino groups and/or the cationic groups interact with the

intended surface. The result is an antistatic effect caused by the hydrophobic nature of the silicone polymer backbone/ and or the hydrophobic portion of the cationic surfactant. The amount of antistatic agent is thus incorporated into the amounts of these components added to the composition.

For claims 5 and 26, on page 3, paragraph [0039], Yoshikawa teaches that the amount of water is preferably at least 90% by weight. On page 5, in paragraph [0055], Yoshikawa sets forth a table that contains preferred amounts of the components. Here, Yoshikawa prefers the addition of isopropyl alcohol in an amount of 0.5 to 10% by weight, amino-modified silicone in an amount of 0.1 to 2%, dimethyl silicone in an amount of 0 to 0.5%, and surface active agent (emulsifier) in an amount of 0.01 to 0.5%. These amounts either significantly overlap or encompass the ranges set forth by applicant in claim 6. For claims 18, 19, 24, and 25, the ratios of silicone oil, amino silicone, and non-ionic emulsifier are encompassed by the amounts set forth in the table. For claims 6, and 20-23, Yoshikawa is silent as to the amount of silicone polyether, and antistatic agent to be added to the composition and the ratios of silicone polyether and cationic emulsifier to silicone oil. However, applicant has shown no criticality to these amounts or ratios. The amounts and ratios of these components are result effective variables that are determinable by one of ordinary skill in the art based on the desired results for the polishing cleaner. A result effective variable is determined according to the desired properties of the resulting composition and would be obvious to one of ordinary skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Yoshikawa does not expressly teach the presence of both a cationic and a nonionic surfactant as set forth in claim 1. However it would have been obvious to one of ordinary skill in the art at the time of the invention to use a combination of non-ionic surfactant and a cationic surfactant. It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose. . . . [T]he idea of combining them flows logically from their having been individually taught in the prior art." *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980). See also *In re Crockett*, 279 F.2d 274, 126 USPQ 186 (CCPA 1960).

For claims 10-12, on page 5, paragraph [0073], Yoshikawa teaches that the viscosity of the dimethyl silicone is 50 mm<sup>2</sup>/sec, or 50 centistokes, which is within the ranges claimed by applicant.

For claim 13, on page 4, paragraphs [0042] and [0043], Yoshikawa teaches a polysiloxane that contains amino groups of the formulas set forth by applicant. The integers of m and n, corresponding to applicant's q and y, can be integers of 1 to 5000, encompassing the ranges claimed by applicant.

For claims 6 and 27, on page 5, paragraph [0055], Yoshikawa teaches that in addition to wax components, perfumes may be added to the composition in an amount that is desirably up to 1%, but can be added up to amount of 5% by weight.

3. Claims 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa et al. (United States Patent Application Publication No.

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US 2002/0098763) as applied to claim 6 above, and further in view of Ishii et al. (United States Patent Application Publication US 2002/0094738).

For claims 14, 16, and 17, Yoshikawa teaches the limitations of claim 6 as set forth above. Yoshikawa fails to teach the identity of the polyether silicones or the wax component.

For claims 16 and 17, on page 4, paragraph [0042] Ishii teaches polyether silicones such as polyoxyethylene methylpolysiloxane copolymers. For claim 14, on page 4, paragraph [0046], Ishii teaches waxes falling within the definitions set forth by applicant in the claim.

Ishii and Yoshikawa are analogous art in that they are from the same field of endeavor, namely impregnated sheets for use in polishing and cleaning automobile surfaces. It would have been obvious to one of ordinary skill in the art at time of the invention to use the polyether silicones and waxes of Ishii in the compositions of Yoshikawa. The motivation would have been that Yoshikawa teaches the use of these components, but does not give specific examples of them. One of ordinary skill in the art would have looked to Ishii for that information.

4. Claims 28, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa et al. (United States Patent Application Publication No. US 2002/0098763) in view of Bonk (U.S. Patent No. 4,535,912).

For claim 28, on page 2, paragraph [0008], Yoshikawa teaches a polishing sheet for the coated surfaces of automobiles. On page 3, paragraph [0035], Yoshikawa teaches that sheet substrate is impregnated with a liquid polishing cleaner. On page 2,

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paragraphs [0014] and [0018], Yoshikawa teaches that the fiber used in the base material can be made by melt-blowing and that polypropylene fiber is used. On page 4, in paragraph [0044], Yoshikawa teaches a combination of silicone compounds including an amino-modified silicone, a dimethyl silicone (silicone oil), and a modified silicone having a polyether-containing group. In paragraph [0055] on page 5, Yoshikawa teaches that wax components are added to the polishing cleaner. On page 3, paragraph [0046], Yoshikawa teaches the presence of emulsifiers to formulate the oil in water emulsion, including non-ionic and cationic emulsifiers where the cationic emulsifier can be a quaternary ammonium salt. It is noted that the amino-modified silicone and the cationic emulsifier would also function as antistatic agents, where the amino groups and/or the cationic groups interact with the intended surface. The result is an antistatic effect caused by the hydrophobic nature of the silicone polymer backbone/ and or the hydrophobic portion of the cationic surfactant. The amount of antistatic agent is thus incorporated into the amounts of these components added to the composition. On page 5, in paragraph [0055], Yoshikawa sets forth a table that contains preferred amounts of the components. Here, Yoshikawa prefers the addition of isopropyl alcohol in an amount of 0.5 to 10% by weight

Yoshikawa does not expressly teach the presence of both a cationic and a nonionic surfactant as set forth in claim 28. However it would have been obvious to one of ordinary skill in the art at the time of the invention to use a combination of non-ionic surfactant and a cationic surfactant. It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose,

in order to form a third composition to be used for the very same purpose. . . . [T]he idea of combining them flows logically from their having been individually taught in the prior art." *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980). See also *In re Crockett*, 279 F.2d 274, 126 USPQ 186 (CCPA 1960).

Yoshikawa fails to teach that the impregnated towelette is packaged.

For claims 28, and 30-33, Bonk teaches a dispenser for a roll of non-woven moist towelettes in column 1, lines 10-24. In column 4, lines 3-20, Bonk teaches that the material is in roll form and that the dispenser has a tight seal to prevent the loss of moisture from the towelettes. In column 6, lines 14-36, Bonk teaches that the roll is perforated at predetermined intervals and that there is a slit at the top of the container that facilitates the tearing of the sheets, thereby functioning as a cutter.

Yoshikawa and Bonk are analogous art because they both teach impregnated non-woven fabrics. It would have been obvious to one of ordinary skill in the art at the time of the invention to formulate the impregnated non-woven substrates of Yoshikawa as a roll and package them in the dispenser as set forth by Bonk. The motivation would have been that Yoshikawa is silent about the storage and packaging of the impregnated substrates set forth in the patent. One of ordinary skill in the art would have turned to Bonk for common packaging techniques for impregnated fabrics such as those set forth in Yoshikawa.

5. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa et al. (United States Patent Application Publication No. US 2002/0098763) in view of Laipply (U.S. Patent No. 4,427,111).



For claim 28, on page 2, paragraph [0008], Yoshikawa teaches a polishing sheet for the coated surfaces of automobiles. On page 3, paragraph [0035], Yoshikawa teaches that sheet substrate is impregnated with a liquid polishing cleaner. On page 2, paragraphs [0014] and [0018], Yoshikawa teaches that the fiber used in the base material can be made by melt-blowing and that polypropylene fiber is used. On page 4, in paragraph [0044], Yoshikawa teaches a combination of silicone compounds including an amino-modified silicone, a dimethyl silicone (silicone oil), and a modified silicone having a polyether-containing group. In paragraph [0055] on page 5, Yoshikawa teaches that wax components are added to the polishing cleaner. On page 3, paragraph [0046], Yoshikawa teaches the presence of emulsifiers to formulate the oil in water emulsion, including non-ionic and cationic emulsifiers where the cationic emulsifier can be a quaternary ammonium salt. It is noted that the amino-modified silicone and the cationic emulsifier would also function as antistatic agents, where the amino groups and/or the cationic groups interact with the intended surface. The result is an antistatic effect caused by the hydrophobic nature of the silicone polymer backbone/ and or the hydrophobic portion of the cationic surfactant. The amount of antistatic agent is thus incorporated into the amounts of these components added to the composition. On page 5, in paragraph [0055], Yoshikawa sets forth a table that contains preferred amounts of the components. Here, Yoshikawa prefers the addition of isopropyl alcohol in an amount of 0.5 to 10% by weight

Yoshikawa does not expressly teach the presence of both a cationic and a nonionic surfactant as set forth in claim 28. However it would have been obvious to one

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of ordinary skill in the art at the time of the invention to use a combination of non-ionic surfactant and a cationic surfactant. It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose. . . . [T]he idea of combining them flows logically from their having been individually taught in the prior art." *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980). See also *In re Crockett*, 279 F.2d 274, 126 USPQ 186 (CCPA 1960).

Yoshikawa fails to teach that the impregnated towelette is packaged.

Laipply teaches single use packages of impregnated substrates in column 8, line 49 through column 9, line 61. The pouch is sealed substantially and must be broken by the user to access the impregnated material.

Yoshikawa and Laipply are analogous art because they both teach impregnated substrates. It would have been obvious to one of ordinary skill in the art at the time of the invention to formulate the impregnated non-woven substrates of Yoshikawa as single use pouches set forth by Laipply. The motivation would have been that Yoshikawa is silent about the storage and packaging of the impregnated substrates set forth in the patent. One of ordinary skill in the art would have turned to Bonk for common packaging techniques for impregnated substrates such as those set forth in Yoshikawa.

***Allowable Subject Matter***

6. Claims 3, 4, 8, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Yoshikawa does not teach the amounts of impregnation specified by applicant in those claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Liebowitz et al. (U.S. Patent No. 4,013,475), Rhodes, III et al. (U.S. Patent No. 4,940,626), Fuggini et al. (U.S. Patent No. 4,963,432), and Nonaka et al. (U.S. Patent No. 6,475,934) are cited for general relevance.

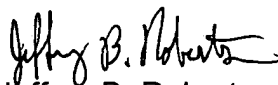
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey B. Robertson whose telephone number is (703) 306-5929. The examiner can normally be reached on Mon-Fri 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Dawson can be reached on (703) 308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

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Jeffrey B. Robertson  
Examiner  
Art Unit 1712

JBR  
April 17, 2003